

## **REMARKS**

Claims 1, 3-17, 19-23, and 26-34 are pending. Claims 2, 18, 24, and 25 were previously cancelled. By the Present Amendment, Claims 1, 4, 11, and 26 are amended, thereby leaving Claims 3, 5-10, 12-17, 19-23, and 27-34 unchanged.

Claims 1 and 11 have been amended to remove minor typographical errors.

### **Claim Objections**

The Examiner objected to Claims 4 and 26 because these claims depend from cancelled claims. Claims 4 and 26 have been amended to correct their dependencies. Accordingly, Applicants respectfully request withdrawal of the objections to Claims 4 and 26.

### **Rejections Under 35 U.S.C § 103(a)**

Claims 1, 3-6, 9-12, 14, 15, 23, 26, and 28-34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,511,301 ("Graham"). Claims 7, 8, 13, 16-22, and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Graham in view of U.S. Patent No. 5,154,468 ("Teigen"). Reconsideration of the rejections is respectfully requested.

To establish a *prima facie* case of obviousness, three basic criteria must be met. *M.P.E.P.* §§ 706.02(j) and 2143.

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine the reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be both found in the prior art, not in applicants' disclosure.

### **Independent Claim 1 and dependent Claims 3-9**

Claim 1 defines a door for use with a vehicle, the vehicle defining a load space, having an access opening communicating between the load space and atmosphere, and having tracks positioned adjacent to the access opening, the door comprising a first panel having an end, the end having an arm and a protuberance connected to the arm, together the end, the arm, and the

protuberance defining an arcuately shaped recess, and a second panel having a hook, the hook being engageable in the arcuately shaped recess to pivotably connect the first panel and the second panel, the hook having an arcuate shape corresponding to the arcuately shaped recess. Claim 1 specifies that the first panel has a first face and the second panel has a second face, and that the second panel is pivotable relative to the first panel between a first orientation, in which the second face is substantially perpendicular to the first face, and a second orientation, in which the second face is substantially parallel to the first face. Claim 1 also specifies that each of the first panel and the second panel is supportable on the tracks for movement along the tracks and relative to the vehicle, and that the second panel is movable relative to the first panel from the first orientation toward the second orientation when the first panel is supported on the tracks.

Graham does not teach or suggest, among other things, a door for use with a vehicle, the vehicle defining a load space, having an access opening communicating between the load space and atmosphere, and having tracks positioned adjacent to the access opening. Graham also does not teach or suggest that each of the first panel and the second panel is supportable on the tracks for movement along the tracks and relative to the vehicle. Rather, Graham discloses “door sections of the type useful, for example, in an overhead garage door.” Column 1, lines 26-27.

In addition, Graham does not teach or suggest that a second panel is pivotable relative to the first panel between a first orientation, in which the second face is substantially perpendicular to the first face, and a second orientation, in which the second face is substantially parallel to the first face and that the second panel is movable relative to the first panel from the first orientation toward the second orientation when the first panel is supported on the tracks. Rather, the overhead two-car garage door of Graham is assembled by “resting a male portion 22P (see Fig. 5) of the rear entry continuous hinge on the top truss extension 221E of a lower section when the lower section is in a vertical position, then pushing forward so that 22P engages in the female portion of the hinge, and then turning the upper section to [a] vertical position to complete the interlock.” Column 4, lines 33-39. Graham does not teach or suggest that such movement can be performed “when the first panel is supported on the tracks” as required by Claim 1. Rather, Graham states that “[t]he light weight, for example as compared to a wood frame door... contributes immensely to ease of handling and installation, and requires much less hardware than the prior art doors.” Column 4, lines 14-17.

Acknowledging these deficiencies, the Examiner argues that while “Graham does not specifically disclose that the panels are joined together while one panel is supported by the tracks and the other panel is moved from a first orientation to a second orientation”, “Graham... discloses that the track is connected to the opening by first mounting the vertical track to the opening and then separately mounting the horizontal track to the vertical track.” Office action, dated July 6 2005, section entitled “Claim Rejections – 35 USC § 103”. The Examiner further argues that “it would have been obvious to one of ordinary skill in the art at the time of the invention to connect the panels to the vertical track before mounting the horizontal track to the vertical track” and that “[t]he motivation [for such a modification] would have been to simplify assembly of the door assembly.” Office action, dated July 6 2005, section entitled “Claim Rejections – 35 USC § 103”.

Again, to establish a *prima facie* case of obviousness, the prior art reference must teach or suggest all of the claim limitations. In re Royka, 490 F.2d 981, 985, 180 U.S.P.Q. 580, 583 (CCPA 1974); MPEP §§706.02(j), 2143.03. Applicants respectfully point out that all the limitations of the door of independent Claim 1 are not provided by the cited Graham reference.

In establishing a *prima facie* case of obviousness, it is incumbent upon the Examiner to provide a reason why one of ordinary skill in the art would have been led to modify a prior art reference or to combine reference teachings to arrive at the claimed invention. Ex parte Clapp, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. & Int. 1985). To this end, the requisite motivation must stem from some teaching, suggestion or inference in the prior art as a whole or from the knowledge generally available to one of ordinary skill in the art and not from Appellant’s disclosure. Uniroyal, Inc. v. Rudkin-Wiley Corp., 837 F.2d 1044, 1051, 5 U.S.P.Q.2d 1434, 1439 (Fed. Cir.), cert. denied, 488 U.S. 825 (1988); In re Vaeck, 947 F.2d at 493, 20 U.S.P.Q.2d at 1442; MPEP §2143. Deficiencies of references cannot be saved by appeals to “common sense” and “basic knowledge” without any evidentiary support. In re Zurko, 258 F.3d 1379, 1385, 59 U.S.P.Q.2d 1693, 1697 (Fed. Cir. 2001).

In addition, the mere fact that the prior art structure could be modified does not make such a modification obvious unless the prior art suggests the desirability of doing so. In re Gordon, 733 F.2d 900, 902, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984); In re Mills, 916 F.2d 680, 682, 16 U.S.P.Q.2d 1430, 1432 (Fed. Cir. 1990); MPEP §2143.01. “The mere fact that a worker in the art could rearrange the parts of the reference device to meet the terms of the claims on

appeal is not by itself sufficient to support a finding of obviousness. The prior art must provide a motivation or reason for the worker in the art, without the benefit of appellant's specification, to make the necessary changes in the reference device." Ex parte Chicago Rawhide Mfg. Co., 223 U.S.P.Q. 351, 353 (Bd. Pat. App. & Inter. 1984); MPEP §2144.04(VI)(C).

"A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention." W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 U.S.P.Q. 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984); MPEP §2141.02. Further, if the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. In re Gordon, 733 F.2d at 902, 221 U.S.P.Q. at 1127; MPEP §2143.01.

Also, "[i]n order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." In re Oetiker, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992) (Applicant claimed an improvement in a hose clamp which differed from the prior art in the presence of a preassembly "hook" which maintained the preassembly condition of the clamp and disengaged automatically when the clamp was tightened. The Board relied upon a reference which disclosed a hook and eye fastener for use in garments, reasoning that all hooking problems are analogous. The court held the reference was not within the field of applicant's endeavor, and was not reasonably pertinent to the particular problem with which the inventor was concerned because it had not been shown that a person of ordinary skill, seeking to solve a problem of fastening a hose clamp, would reasonably be expected or motivated to look to fasteners for garments. The Commissioner further argued in the brief on appeal that a disengageable catch is a common everyday mechanical concept, however the court held that the Commissioner did not explain why a "catch" of unstated structure is such a concept, and why it would have made the claimed invention obvious.); MPEP §2141.01(a).

With respect to the present application, the Examiner points to nothing in the prior art, and Graham is devoid of any teaching or suggestion to modify the assembly method of Graham to provide a second panel that is pivotable relative to the first panel between a first orientation, in which the second face is substantially perpendicular to the first face, and a second orientation, in

which the second face is substantially parallel to the first face and that the second panel is movable relative to the first panel from the first orientation toward the second orientation when the first panel is supported on the tracks. Graham is also devoid of any teaching or suggestion to modify the overhead two-car garage door of Graham to provide a door for use with a vehicle, the vehicle defining a load space, having an access opening communicating between the load space and atmosphere. The only motivation for the claimed subject matter comes from Applicants' invention, and, therefore, the Examiner's rejection is a classic case of hindsight.

Further, Graham actually teaches away from the modification suggested by the Examiner. If the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. In re Gordon, 733 F.2d at 902, 221 U.S.P.Q. at 1127; MPEP §2143.01.

In fact, the modifications suggested by the Examiner for modifying the method of assembling the overhead two-car garage door of Graham are contrary to the stated objective of Graham of providing "door sections [that] may easily be assembled together by a single person." Column 1, lines 31-32. Rather, the complicated assembly process proposed by the Examiner would likely require two or more people to support the vertical track 31, the track splice bracket 61, the horizontal track section 62, and the panels 11, 12, 13, 14, while at least one more person fastened the vertical track 31, the track splice bracket 61, and the horizontal track section 62 to the garage 10. Moreover, the modifications suggested by the Examiner are also contrary to the stated objective of reducing "unnecessary weight" and preventing "strained backs and hearts" during assembly of the overhead two-car garage door of Graham. Column 1, lines 35 and 38. For these reasons, Graham cannot be modified as suggested by the Examiner because, among other things, the method of assembling the overhead two-car garage door of Graham would be rendered ineffective.

In summary, Graham does not teach or suggest the subject matter defined by independent Claim 1. In addition, there is no teaching or suggestion to modify the method of assembling the overhead two-car garage door of Graham as suggested by the Examiner. Further, Graham actually teaches away from the modification suggested by the Examiner. For these and other reasons, Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness of Claim 1 based upon the prior art as required by 35 U.S.C. § 103.

Accordingly, independent Claim 1 is allowable. Dependent Claims 3-9 depend from independent Claim 1 and are allowable for the same and other reasons.

Claims 7 and 8 depend from independent Claim 1 and are allowable for at least the reasons discussed above with respect to Claim 1.

As discussed above, Graham does not teach or suggest the subject matter defined by independent Claim 1. Teigen does not cure the deficiencies of Graham.

Specifically, Teigen does not teach or suggest that a second panel is pivotable relative to the first panel between a first orientation, in which the second face is substantially perpendicular to the first face, and a second orientation, in which the second face is substantially parallel to the first face and that the second panel is movable relative to the first panel from the first orientation toward the second orientation when the first panel is supported on the tracks. Rather, as shown in Figs. 4A and 4B of Teigen, the engagement between the upwardly-extending end of the hook edge 38 of an upper panel 14 and the recess defined by the hook edge 36 of a lower panel 14 would prevent the upper panel 14 from being pivoted relative to the lower panel 14 toward a position, in which the outer surfaces of the upper and lower panels 14, 14 are substantially perpendicular. Moreover, even if it were possible to pivot the upper and lower panel sections 14, 14 of Teigen into such an orientation, a portion of the bottom hook 38 of the upper panel 14 would remain in locking engagement in the recess defined by the hook edge 36 of the lower panel 14.

For these and other reasons, Teigen does not teach or suggest the subject matter defined by independent Claim 1 or by dependent Claims 7 and 8.

#### **Independent Claim 10 and dependent Claims 11-15**

Claim 10 defines a door for use with a vehicle, the vehicle defining a load space, having an access opening communicating between the load space and atmosphere, and having tracks positioned adjacent to the access opening, the door comprising a first panel having a first face and a lower end, and a second panel having a second face and an upper end, one of the lower end and the upper end defining a recess, an other of the lower end and the upper end having a protrusion, the protrusion being engageable in the recess to pivotably connect the first panel and the second panel, the second panel being pivotable relative to the first panel between a first orientation, in which the second face is substantially perpendicular to the first face, and a second

orientation, in which the second face is substantially parallel to the first face, the second panel being fixedly connected to the first panel when the second panel is in the second orientation and the second panel being removeably connected to the first panel when the second panel is in the first orientation. Claim 1 specifies that the second panel is moveable between the first orientation and the second orientation when the first panel is supported in the tracks.

Applicants respectfully submit that the Examiner's proposed modification of the teachings of Graham does not meet the *prima facie* case of obviousness.

Graham does not teach or suggest, among other things, a door for use with a vehicle, the vehicle defining a load space, having an access opening communicating between the load space and atmosphere, and having tracks positioned adjacent to the access opening. Rather, Graham discloses "door sections of the type useful, for example, in an overhead garage door." Column 1, lines 26-27.

In addition, Graham does not teach or suggest the second panel being pivotable relative to the first panel between a first orientation, in which the second face is substantially perpendicular to the first face, and a second orientation, in which the second face is substantially parallel to the first face, and that the second panel is moveable between the first orientation and the second orientation when the first panel is supported in the tracks. Rather, as mentioned above, the overhead two-car garage door of Graham is assembled by "resting a male portion 22P (see Fig. 5) of the rear entry continuous hinge on the top truss extension 221E of a lower section when the lower section is in a vertical position, then pushing forward so that 22P engages in the female portion of the hinge, and then turning the upper section to [a] vertical position to complete the interlock." Column 4, lines 33-39. Graham does not teach or suggest that such movement can be performed "when the first panel is supported in the tracks" as required by Claim 10. Rather, Graham states that "[t]he light weight, for example as compared to a wood frame door... contributes immensely to ease of handling and installation, and requires much less hardware than the prior art doors." Column 4, lines 14-17.

Moreover, as mentioned above, the Examiner points to nothing in the prior art, and Graham is devoid of any teaching or suggestion to modify the assembly method of Graham to provide a second panel that is pivotable relative to the first panel between a first orientation, in which the second face is substantially perpendicular to the first face, and a second orientation, in which the second face is substantially parallel to the first face and that the second panel is

movable between the first orientation and the second orientation when the first panel is supported in the tracks. Graham is also devoid of any teaching or suggestion to modify the overhead two-car garage door of Graham to provide a door for use with a vehicle, the vehicle defining a load space, having an access opening communicating between the load space and atmosphere. The only motivation for the claimed subject matter comes from Applicants' invention, and, therefore, the Examiner's rejection is a classic case of hindsight.

Further, as also mentioned above, Graham actually teaches away from the modification suggested by the Examiner. In fact, the modifications suggested by the Examiner for modifying the method of assembling the overhead two-car garage door of Graham are contrary to the stated objective of Graham of providing "door sections [that] may easily be assembled together by a single person." Column 1, lines 31-32. Rather, the complicated assembly process proposed by the Examiner would likely require two or more people to support the vertical track 31, the track splice bracket 61, the horizontal track section 62, and the panels 11, 12, 13, 14, while at least one more person fastened the vertical track 31, the track splice bracket 61, and the horizontal track section 62 to the garage 10. Moreover, the modifications suggested by the Examiner are also contrary to the stated objective of reducing "unnecessary weight" and preventing "strained backs and hearts" during assembly of the overhead two-car garage door of Graham. Column 1, lines 35 and 38.

For these and other reasons, Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness of Claim 10 based upon the prior art as required by 35 U.S.C. § 103. Accordingly, independent Claim 10 is allowable. Dependent Claims 11-15 depend from independent Claim 10 and are allowable for the same and other reasons.

Claim 13 depends from independent Claim 10 and is allowable for at least the reasons discussed above with respect to Claim 10.

As discussed above, Graham does not teach or suggest the subject matter defined by independent Claim 10. Teigen does not cure the deficiencies of Graham.

Specifically, Teigen does not teach or suggest that the second panel is pivotable relative to the first panel between a first orientation, in which the second face is substantially perpendicular to the first face, and a second orientation, in which the second face is substantially parallel to the first face, and that the second panel is moveable between the first orientation and the second orientation when the first panel is supported in the tracks. Rather, as shown in Figs.



4A and 4B of Teigen, the engagement between the upwardly-extending end of the hook edge 38 of an upper panel 14 and the recess defined by the hook edge 36 of a lower panel 14 would prevent the upper panel 14 from being pivoted relative to the lower panel 14 toward a position, in which the outer surfaces of the upper and lower panels 14, 14 are substantially perpendicular. Moreover, even if it were possible to pivot the upper and lower panel sections 14, 14 of Teigen into such an orientation, a portion of the bottom hook 38 of the upper panel 14 would remain in locking engagement in the recess defined by the hook edge 36 of the lower panel 14. For these and other reasons, Teigen does not teach or suggest the subject matter defined by independent Claim 10 or by dependent Claim 13.

**Independent Claim 16 and dependent Claims 17 and 19-22**

Claim 16 defines a door for use with a vehicle, the vehicle defining a load space, having an access opening communicating between the load space and atmosphere, and having tracks positioned adjacent to the access opening, the door comprising a first panel having a first face and an end, the end having an arm, together the end and the arm defining an arcuately shaped recess, and a second panel having a second face and a hook, the hook being engageable in the arcuately shaped recess to pivotably connect the first panel and the second panel when the first panel is supported in the tracks and the second panel is in a first orientation, in which the second face is substantially parallel to the first face, the hook being disengageable from the arcuately shaped recess to disconnect the first panel and the second panel when the second panel is in a second orientation, in which the second face is substantially perpendicular to the first face, the second panel and the hook being integrally formed from a thermally nonconductive material.

Applicants respectfully submit that the Examiner's proposed combination for Claim 16 does not meet the *prima facie* case of obviousness.

Graham does not teach or suggest, among other things, a door for use with a vehicle, the vehicle defining a load space, having an access opening communicating between the load space and atmosphere, and having tracks positioned adjacent to the access opening. Rather, Graham discloses "door sections of the type useful, for example, in an overhead garage door." Column 1, lines 26-27.

In addition, Graham does not teach or suggest a hook being engageable in the arcuately shaped recess to pivotably connect the first panel and the second panel when the first panel is

supported in the tracks and the second panel is in a first orientation, in which the second face is substantially parallel to the first face, the hook being disengageable from the arcuately shaped recess to disconnect the first panel and the second panel when the second panel is in a second orientation, in which the second face is substantially perpendicular to the first face. Rather, as mentioned above, the overhead two-car garage door of Graham is assembled by “resting a male portion 22P (see Fig. 5) of the rear entry continuous hinge on the top truss extension 221E of a lower section when the lower section is in a vertical position, then pushing forward so that 22P engages in the female portion of the hinge, and then turning the upper section to [a] vertical position to complete the interlock.” Column 4, lines 33-39. Graham does not teach or suggest that such movement can be performed “when the first panel is supported in the tracks” as required by Claim 16. Rather, Graham states that “[t]he light weight, for example as compared to a wood frame door... contributes immensely to ease of handling and installation, and requires much less hardware than the prior art doors.” Column 4, lines 14-17.

Moreover, as acknowledged by the Examiner, “Graham does not specifically disclose that the panels are jointed together while one panel is supported by the tracks and the other panel is moved from a first orientation to a second orientation.” Office action, dated July 6 2005, section entitled “Claim Rejections – 35 USC § 103”.

Further, the Examiner points to nothing in the prior art, and Graham is devoid of any teaching or suggestion to modify the door of Graham to provide a door having a hook engageable in the arcuately shaped recess to pivotably connect the first panel and the second panel when the first panel is supported in the tracks and the second panel is in a first orientation, in which the second face is substantially parallel to the first face, the hook being disengageable from the arcuately shaped recess to disconnect the first panel and the second panel when the second panel is in a second orientation, in which the second face is substantially perpendicular to the first face. Graham is also devoid of any teaching or suggestion to modify the overhead two-car garage door of Graham to provide a door for use with a vehicle, the vehicle defining a load space, having an access opening communicating between the load space and atmosphere. The only motivation for the claimed subject matter comes from Applicants’ invention, and, therefore, the Examiner’s rejection is a classic case of hindsight.

Rather, Graham actually teaches away from the modification suggested by the Examiner. In fact, the modifications suggested by the Examiner for modifying the method of assembling the

overhead two-car garage door of Graham are contrary to the stated objective of Graham of providing “door sections [that] may easily be assembled together by a single person.” Column 1, lines 31-32. Rather, the complicated assembly process proposed by the Examiner would likely require two or more people to support the vertical track 31, the track splice bracket 61, the horizontal track section 62, and the panels 11, 12, 13, 14, while at least one more person fastens the vertical track 31, the track splice bracket 61, and the horizontal track section 62 to the garage 10. Moreover, the modifications suggested by the Examiner are also contrary to the stated objective of reducing “unnecessary weight” and preventing “strained backs and hearts” during assembly of the overhead two-car garage door of Graham. Column 1, lines 35 and 38.

For these and other reasons, Graham does not teach or suggest all the claim limitations of independent Claim 16.

Teigen does not cure the deficiencies of Graham. The Examiner argues that “it would have been obvious to combine Teigen et al. with Graham to obtain the invention as specified in Claims 16, 18, 21, and 27.” Office action, dated July 6 2005, section entitled “Claim Rejections – 35 USC § 103”. The Examiner also argues that “Graham et al. and Teigen et al. are analogous art because they are from the same field of endeavor, i.e., sectional doors with pivotally connected panels.” Office action, dated July 6 2005, section entitled “Claim Rejections – 35 USC § 103”. However, Applicants respectfully submit that it is improper to combine the teachings of Graham with the teachings of Teigen as suggested by the Examiner.

Moreover, *assuming arguendo* that the teachings of Graham and/or Teigen could or should be combined, Applicants respectfully point out that, even with the modification suggested by the Examiner, the claimed structure is not provided by the references. Therefore, Applicants respectfully submit that the Examiner has failed to present a *prima facie* case of obviousness of Claim 16 based upon the prior art as required by 35 U.S.C. § 103.

Specifically, Teigen does not teach or suggest, among other things, a hook engageable in the arcuately shaped recess to pivotably connect the first panel and the second panel when the first panel is supported in the tracks and the second panel is in a first orientation, in which the second face is substantially parallel to the first face, the hook being disengageable from the arcuately shaped recess to disconnect the first panel and the second panel when the second panel is in a second orientation, in which the second face is substantially perpendicular to the first face. Rather, as shown in Figs. 4A and 4B of Teigen, the engagement between the upwardly-extending

end of the hook edge 38 of an upper panel 14 and the recess defined by the hook edge 36 of a lower panel 14 would prevent the upper panel 14 from being pivoted relative to the lower panel 14 toward a position, in which the outer surfaces of the upper and lower panels 14, 14 are substantially perpendicular. Moreover, even if it were possible to pivot the upper and lower panel sections 14, 14 of Teigen into such an orientation, a portion of the bottom hook 38 of the upper panel 14 would remain in locking engagement in the recess defined by the hook edge 36 of the lower panel 14.

While acknowledging that Teigen “does not show the panel completely pivoted so that the second face is perpendicular to the first face”, the Examiner argues that “the panels are capable of such orientation”. Office action, dated July 6 2005, section entitled “Claim Rejections – 35 USC § 103”. However, the Examiner points to no teaching in Teigen that teaches or suggests such motion. Moreover, even if it were possible to pivot the upper and lower panel sections 14, 14 of Teigen as suggested by the Examiner, the Examiner fails to explain how the upper and lower panels 14, 14 could be oriented to engage and then disengage the upwardly-extending end of the hook edge 38 of the upper panel 14 in the recess defined by the hook edge 36 of the lower panel 14.

For these and other reasons, Teigen does not teach or suggest the subject matter defined by independent Claim 16.

Again, to establish a *prima facie* case of obviousness, the prior art references must teach or suggest all of the claim limitations. In re Royka, 490 F.2d 981, 985, 180 U.S.P.Q. 580, 583 (CCPA 1974); MPEP §§706.02(j), 2143.03. Applicants respectfully point out that all the limitations of Claim 16 are not provided by the cited Graham and Teigen references.

Further, as mentioned above, Applicants respectfully submit that it is not reasonable to combine the teachings of Teigen with the teachings of Graham and that there is no teaching or suggestion to modify the teachings of Graham as suggested by the Examiner. For these and other reasons, Applicants respectfully submit that the Examiner has failed to present a *prima facie* case of obviousness of Claim 16 based upon the prior art as required by 35 U.S.C. § 103. Accordingly, independent Claim 16 is allowable. Dependent Claims 17 and 19-22 depend from independent Claim 16 and are allowable for the same and other reasons.

### **Independent Claim 23 and dependent Claims 26 and 27**

Claim 23 defines a door panel supportable on tracks for engagement with an other panel, the door panel comprising an elongated body having a first end and a second end and a first face extending between the first end and the second end, the first end having an arm and a protuberance formed at a distal end of the arm, together the first end, the arm, and the protuberance defining an arcuately shaped recess, the protuberance having a first radius, the second end having a hook, the hook having a second radius, the second radius being greater than the first radius, the arm and the protuberance being configured to pivotably engage the other panel, the other panel having a second face, the panel being pivotable relative to the other panel between a first orientation, in which the first face is substantially perpendicular to the second face, and a second orientation, in which the first face is substantially parallel to the second face. Claim 23 specifies that the panel is removably connectable with the other panel when the panel is supported on the tracks and is in the first orientation.

Applicants respectfully submit that the Examiner's proposed modification of the teachings of Graham does not meet the *prima facie* case of obviousness.

Graham does not teach or suggest, among other things, an arm and the protuberance being configured to pivotably engage the other panel, the other panel having a second face, the panel being pivotable relative to the other panel between a first orientation, in which the first face is substantially perpendicular to the second face, and a second orientation, in which the first face is substantially parallel to the second face, and that the panel is removably connectable with the other panel when the panel is supported on the tracks and is in the first orientation. Rather, as mentioned above, the garage door of Graham is assembled by "resting a male portion 22P (see Fig. 5) of the rear entry continuous hinge on the top truss extension 221E of a lower section when the lower section is in a vertical position, then pushing forward so that 22P engages in the female portion of the hinge, and then turning the upper section to [a] vertical position to complete the interlock." Column 4, lines 33-39. In addition, Graham states that "[t]he light weight, for example as compared to a wood frame door... contributes immensely to ease of handling and installation, and requires much less hardware than the prior art doors." Column 4, lines 14-17.

Moreover, as acknowledged by the Examiner, "Graham does not specifically disclose that the panels are joined together while one panel is supported by the tracks and the other panel

is moved from a first orientation to a second orientation.” Office action, dated July 6 2005, section entitled “Claim Rejections – 35 USC § 103”.

Further, the Examiner points to nothing in the prior art, and Graham is devoid of any teaching or suggestion to modify the assembly method of Graham to provide an arm and the protuberance being configured to pivotably engage the other panel, the other panel having a second face, the panel being pivotable relative to the other panel between a first orientation, in which the first face is substantially perpendicular to the second face, and a second orientation, in which the first face is substantially parallel to the second face, and that the panel is removably connectable with the other panel when the panel is supported on the tracks and is in the first orientation. The only motivation for the claimed subject matter comes from Applicants’ invention, and, therefore, the Examiner’s rejection is a classic case of hindsight.

Further, as also mentioned above, Graham actually teaches away from the modification suggested by the Examiner. In fact, the modifications suggested by the Examiner for modifying the method of assembling the overhead two-car garage door of Graham are contrary to the stated objective of Graham of providing “door sections [that] may easily be assembled together by a single person.” Column 1, lines 31-32. Rather, the complicated assembly process proposed by the Examiner would likely require two or more people to support the vertical track 31, the track splice bracket 61, the horizontal track section 62, and the panels 11, 12, 13, 14, while at least one more person fastened the vertical track 31, the track splice bracket 61, and the horizontal track section 62 to the garage 10. Moreover, the modifications suggested by the Examiner are also contrary to the stated objective of reducing “unnecessary weight” and preventing “strained backs and hearts” during assembly of the overhead two-car garage door of Graham. Column 1, lines 35 and 38.

For these and other reasons, Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness of Claim 23 based upon the prior art as required by 35 U.S.C. § 103. Accordingly, independent Claim 23 is allowable. Dependent Claims 26 and 27 depend from independent Claim 23 and are allowable for the same and other reasons.

Claim 27 depends from independent Claim 23 and is allowable for at least the reasons discussed above with respect to Claim 23.

As discussed above, Graham does not teach or suggest the subject matter defined by independent Claim 23. Teigen does not cure the deficiencies of Graham.

Specifically, Teigen does not teach or suggest that an arm and the protuberance being configured to pivotably engage the other panel, the other panel having a second face, the panel being pivotable relative to the other panel between a first orientation, in which the first face is substantially perpendicular to the second face, and a second orientation, in which the first face is substantially parallel to the second face, and that the panel is removably connectable with the other panel when the panel is supported on the tracks and is in the first orientation. Rather, as shown in Figs. 4A and 4B of Teigen, the engagement between the upwardly-extending end of the hook edge 38 of an upper panel 14 and the recess defined by the hook edge 36 of a lower panel 14 would prevent the upper panel 14 from being pivoted relative to the lower panel 14 toward a position, in which the outer surfaces of the upper and lower panels 14, 14 are substantially perpendicular. Moreover, even if it were possible to pivot the upper and lower panel sections 14, 14 of Teigen into such an orientation, a portion of the bottom hook 38 of the upper panel 14 would remain in locking engagement in the recess defined by the hook edge 36 of the lower panel 14.

For these and other reasons, Teigen does not teach or suggest the subject matter defined by independent Claim 23 or by dependent Claim 27.

#### **Independent Claim 28 and dependent Claims 29-31**

Claim 28 defines a method of assembling a door for a vehicle, the vehicle having a load space, defining an access opening communicating between the load space and atmosphere, and having tracks positioned adjacent to the access opening, the method comprising providing a first panel having a first face and a lower end, inserting the first panel into the tracks, providing a second panel having a second face and an upper end, one of the lower end and the upper end defining a recess, an other of the lower end and the upper end having a protrusion, orienting the second panel in a first orientation, in which the second face is substantially perpendicular to the first face, and inserting the protrusion into the recess, and pivoting the second panel with respect to the first panel toward a second orientation, in which the first face is substantially parallel to the second face, to matingly engage the first panel and the second panel after the first panel is inserted into the tracks.

Applicants respectfully submit that the Examiner's proposed modification of the teachings of Graham does not meet the *prima facie* case of obviousness.

Graham does not teach or suggest, among other things, a method of assembling a door for a vehicle, the vehicle having a load space, defining an access opening communicating between the load space and atmosphere, and having tracks positioned adjacent to the access opening. Graham also does not teach or suggest the acts of inserting the first panel into the tracks and pivoting the second panel with respect to the first panel toward a second orientation, in which the first face is substantially parallel to the second face, to matingly engage the first panel and the second panel after the first panel is inserted into the tracks. Rather, Graham discloses “door sections of the type useful, for example, in an overhead garage door.” Column 1, lines 26-27.

In addition, Graham does not teach or suggest the acts of orienting the second panel in a first orientation, in which the second face is substantially perpendicular to the first face, and inserting the protrusion into the recess, and pivoting the second panel with respect to the first panel toward a second orientation, in which the first face is substantially parallel to the second face, to matingly engage the first panel and the second panel after the first panel is inserted into the tracks. Rather, as mentioned above, the overhead two-car garage door of Graham is assembled by “resting a male portion 22P (see Fig. 5) of the rear entry continuous hinge on the top truss extension 221E of a lower section when the lower section is in a vertical position, then pushing forward so that 22P engages in the female portion of the hinge, and then turning the upper section to [a] vertical position to complete the interlock.” Column 4, lines 33-39. Graham does not teach or suggest that such movement can be performed “after the first panel is inserted into the tracks” as required by Claim 28. Rather, Graham states that “[t]he light weight, for example as compared to a wood frame door... contributes immensely to ease of handling and installation, and requires much less hardware than the prior art doors.” Column 4, lines 14-17.

Moreover, as acknowledged by the Examiner, “Graham does not specifically disclose that the panels are jointed together while one panel is supported by the tracks and the other panel is moved from a first orientation to a second orientation.” Office action, dated July 6 2005, section entitled “Claim Rejections – 35 USC § 103”.

Further, as mentioned above, the Examiner points to nothing in the prior art, and Graham is devoid of any teaching or suggestion to modify the assembly method of Graham to provide the acts of orienting the second panel in a first orientation, in which the second face is substantially perpendicular to the first face, and inserting the protrusion into the recess, and pivoting the second panel with respect to the first panel toward a second orientation, in which the first face is



substantially parallel to the second face, to matingly engage the first panel and the second panel after the first panel is inserted into the tracks. Graham is also devoid of any teaching or suggestion to modify the overhead two-car garage door of Graham to provide a door for a vehicle, the vehicle having a load space, defining an access opening communicating between the load space and atmosphere, and having tracks positioned adjacent to the access opening. The only motivation for the claimed subject matter comes from Applicants' invention, and, therefore, the Examiner's rejection is a classic case of hindsight.

Further, as also mentioned above, Graham actually teaches away from the modification suggested by the Examiner. In fact, the modifications suggested by the Examiner for modifying the method of assembling the overhead two-car garage door of Graham are contrary to the stated objective of Graham of providing "door sections [that] may easily be assembled together by a single person." Column 1, lines 31-32. Rather, the complicated assembly process proposed by the Examiner would likely require two or more people to support the vertical track 31, the track splice bracket 61, the horizontal track section 62, and the panels 11, 12, 13, 14, while at least one more person fastened the vertical track 31, the track splice bracket 61, and the horizontal track section 62 to the garage 10. Moreover, the modifications suggested by the Examiner are also contrary to the stated objective of reducing "unnecessary weight" and preventing "strained backs and hearts" during assembly of the overhead two-car garage door of Graham. Column 1, lines 35 and 38.

For these and other reasons, Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness of Claim 28 based upon the prior art as required by 35 U.S.C. § 103. Accordingly, independent Claim 28 is allowable. Dependent Claims 29-31 depend from independent Claim 28 and are allowable for the same and other reasons.

#### **Independent Claim 32 and dependent Claims 32-34**

Claim 32 defines a method of assembling a door for a vehicle, the vehicle having a load space, defining an access opening communicating between the load space and atmosphere, and having tracks positioned adjacent to the access opening, the method comprising inserting a first panel into the tracks, coupling a second panel to the first panel after the first panel is inserted into the tracks, and inserting the second panel into the tracks for sliding movement along the tracks with the first panel.

Applicants respectfully submit that the Examiner's proposed modification of the teachings of Graham does not meet the *prima facie* case of obviousness.

Graham does not teach or suggest, among other things, a method of assembling a door for a vehicle, the vehicle having a load space, defining an access opening communicating between the load space and atmosphere, and having tracks positioned adjacent to the access opening. Rather, Graham discloses "door sections of the type useful, for example, in an overhead garage door." Column 1, lines 26-27.

In addition, Graham does not teach or suggest the acts of inserting a first panel into the tracks and coupling a second panel to the first panel after the first panel is inserted into the tracks. Rather, as mentioned above, the overhead two-car garage door of Graham is assembled by "resting a male portion 22P (see Fig. 5) of the rear entry continuous hinge on the top truss extension 221E of a lower section when the lower section is in a vertical position, then pushing forward so that 22P engages in the female portion of the hinge, and then turning the upper section to [a] vertical position to complete the interlock." Column 4, lines 33-39. Graham does not teach or suggest that such movement can be performed "after the first panel is inserted into the tracks" as required by Claim 28. Rather, Graham states that "[t]he light weight, for example as compared to a wood frame door... contributes immensely to ease of handling and installation, and requires much less hardware than the prior art doors." Column 4, lines 14-17.

Moreover, as acknowledged by the Examiner, "Graham does not specifically disclose that the panels are jointed together while one panel is supported by the tracks and the other panel is moved from a first orientation to a second orientation." Office action, dated July 6 2005, section entitled "Claim Rejections – 35 USC § 103".

Further, as mentioned above, the Examiner points to nothing in the prior art, and Graham is devoid of any teaching or suggestion to modify the assembly method of Graham to provide the acts of inserting a first panel into the tracks and coupling a second panel to the first panel after the first panel is inserted into the tracks. Graham is also devoid of any teaching or suggestion to modify the overhead two-car garage door of Graham to provide a door for a vehicle, the vehicle having a load space, defining an access opening communicating between the load space and atmosphere, and having tracks positioned adjacent to the access opening. The only motivation for the claimed subject matter comes from Applicants' invention, and, therefore, the Examiner's rejection is a classic case of hindsight.

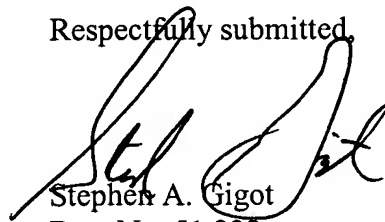
As also mentioned above, Graham actually teaches away from the modification suggested by the Examiner. In fact, the modifications suggested by the Examiner for modifying the method of assembling the overhead two-car garage door of Graham are contrary to the stated objective of Graham of providing "door sections [that] may easily be assembled together by a single person." Column 1, lines 31-32. Rather, the complicated assembly process proposed by the Examiner would likely require two or more people to support the vertical track 31, the track splice bracket 61, the horizontal track section 62, and the panels 11, 12, 13, 14, while at least one more person fastened the vertical track 31, the track splice bracket 61, and the horizontal track section 62 to the garage 10. Moreover, the modifications suggested by the Examiner are also contrary to the stated objective of reducing "unnecessary weight" and preventing "strained backs and hearts" during assembly of the overhead two-car garage door of Graham. Column 1, lines 35 and 38.

For these and other reasons, Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness of Claim 32 based upon the prior art as required by 35 U.S.C. § 103. Accordingly, independent Claim 32 is allowable. Dependent Claims 33 and 34 depend from independent Claim 32 and are allowable for the same and other reasons.

### CONCLUSION

In view of the foregoing, entry of the present Amendment and allowance of the application are respectfully requested.

Respectfully submitted,



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